



STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

RICHARD J. CODEY
ACTING GOVERNOR

ROLANDO TORRES, JR.
ACTING COMMISSIONER

Merit System Board

**MINUTES OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD
MARCH 23, 2005**

**Rolando Torres, Jr., Chairman
Flavella Branham
John Currie
Margaret E.L. Howard**

MARCH 23, 2005

A regular meeting of the Merit System Board was held on Wednesday, March 23, 2005, in Trenton, New Jersey.

PRESENT: Chairman Rolando Torres Jr., Merit System Board Members, John Currie, Margaret E.L. Howard, and Flavella Branham; Pamela Ullman, Deputy Attorney General; and Henry Maurer, Director, Division of Merit System Practices and Labor Relations.

In accordance with L.1975, c.231, Chairman Rolando Torres, Jr. opened the meeting with the following statement:

Notice of this meeting was filed with the Secretary of State and sent to the Trentonian, Trenton Times, Courier-Post and Star Ledger on December 3, 2004, and posted at the Department of Personnel, 3 Station Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

STATE

The Merit System Board recorded the recommended changes in the State Classification Plan, copies of which are attached hereto and made a part hereof.

DATE: February 25, 2005

TO: Rolando Torres, Jr., Acting Commissioner
Department of Personnel

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the State Classification Plan

DEPARTMENT OF CORRECTIONS/JUVENILE JUSTICE COMMISSION

The Department of Corrections recently received approval for the creation of the title of Classification Officer Apprentice to address recruitment difficulties at the entry level of the Classification Officer series. The Department presently requests permission to establish a new title to classify staff functioning as supervisors in this same series. The title will be made available for use to the requesting Department and the Juvenile Justice Commission.

All levels in the existing series are assigned to the professional bargaining unit of CWA. There is currently no level for staff to gain supervisory experience, making progression to the highest level virtually impossible. The Department is willing to forfeit a title in exchange for this request.

The appropriate negotiations representatives have been notified. The Office of Employee Relations has reviewed and confirmed assignment of the bargaining unit.

ESTABLISHMENT OF TITLE

Effective: 11/13/04

Supervising Classification Officer
R29-_____ Career * NL/12

TITLE INACTIVATION

Effective: 02/05/05

Classification Officer 4
M29-61385 Career * NL/12

TO: Rolando Torres Jr. Acting Commissioner
Department of Personnel

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the State Classification Plan

DEPARTMENT OF COMMUNITY AFFAIRS

The Department of Community Affairs requests the restructuring of the Inspector, Multiple Dwelling title series.

The Department’s administrative code was amended to require various licenses for all levels of multiple dwelling inspectors, effective July 1, 2004. The restructuring involves the renaming of levels of the existing title series, the creation of one new title, the establishment of a two-year Apprentice title to accommodate the license requirement at the entry level, the cross-walk of incumbents in entry and senior level titles to their new levels with retention of existing status, and one bargaining unit change. One title will be eliminated.

The above actions will permit the Department to appoint licensed Apprentice candidates, and provide them with a sufficient amount of time to obtain the level of licensure necessary to move into the primary title.

The appropriate negotiations have been notified and support this request. The Office of Employee Relations has reviewed and confirmed the assignment and change of bargaining units.

ESTABLISHMENT OF NEW TITLE

Effective: 10/16/04

Inspector 2, Multiple Dwelling
I22-_____ Career S NE/12

TITLE VERBIAGE AND BARGAINING UNIT CHANGE

Effective: 10/16/04

<u>FROM:</u>	<u>TO:</u>
Inspector, Multiple Dwelling	<u>Apprentice</u> Inspector, Multiple
Dwelling	
I16-55472 Career S NE/12	I16-55472 Career S NE/12

R. Torres, Jr.
March 2, 2005
Page 2

Senior Inspector, Multiple Dwelling
I19-55473 Career S NE/12

Inspector 3, Multiple Dwelling
I19-55473 Career S NE/12

Supervisor of Code Inspections
S27-32202 Career S NL/12

Inspector 1, Multiple Dwelling
R27-32202 Career S NL/12

TITLE ELIMINATION

Effective: 10/16/04

Principal Inspector, Multiple Dwelling
R22-55474 Career S NE/12

DATE: March 15, 2005

TO: Rolando Torres Jr., Acting Commissioner
Department of Personnel

FROM: Elizabeth Van Marter, Director
Human Resources Management

SUBJECT: Change in the State Classification Plan

GENERAL TITLE

Rowan University has requested classification of a position responsible for sign production.

After review of the duties questionnaire, the local title of Sign Maker 2 has been found most appropriate. The comparable state titles have very specialized duties primarily involving highway signs installed by the Department of Transportation. The position to be classified is responsible for the creation and installation of signs other than those used on a highway. In order to enable a state agency to be able to use title, we recommend the title be made common. We request the entry level title also be made general to provide a career path.

The workweek and Class Code of both the titles are requested to coincide with the workweek of other titles with similar requirements. The office of Employee Relations has assigned the C bargaining unit (Crafts Unit (IFPTE)). The title should be made available for general use.

Appropriate notice of this proposal has been provided to the affected negotiations representative.

Establishment of Common title:

Effective Date:10/30/04

From:
Sign Maker 2
03705 Competitive, Local

To:
Sign Maker 2
C14 – 03705 Competitive * 40/12

From:
Sign Maker 1
03706 Competitive, Local

To:
Sign Maker 1
C12 – 03706 Competitive * 40/12

DATE: March 11, 2005

TO: Rolando Torres, Jr., Commissioner
Department of Personnel

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the State Classification Plan

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection requests the restructuring of the Ranger title series. This restructuring involves the renaming of two levels in the series, a range change for three levels, the consolidation of two levels into a single level, the creation of one new title, and the elimination of a title.

Incumbents in the existing Chief Ranger 1 and 2 titles will move to the new Ranger Sergeant title, with retention of existing status. The Department intends to process this consolidation as a “no-pain, no-gain” transaction, in that incumbents will be slotted in to the new range at their current salary. Appointments to the new title of Ranger Lieutenant will be promotional pending exam procedures. Existing lists for the titles of Chief Ranger 1 and 2 will be cancelled.

The restructuring is requested to establish the chain of command recommended by the Attorney General’s Office for law enforcement personnel. Rangers are sworn law enforcement officers responsible for State laws and regulations, as well as those of the State Park Service, yet they must also develop other knowledge and skill areas involving the protection of forestry and wildlife. Rangers must complete training in an expanded number of areas related to law enforcement, environmental protection and homeland security.

These changes are with the advice and consent of the Human Resource Offices of the Departments of Personnel and Environmental Protection, the Office of the Attorney General and the appropriate negotiations representatives.

ESTABLISHMENT OF TITLE

Effective: 03-19-05

Ranger Lieutenant
J24-_____ Career M N4/12

Rolando Torres, Jr.
March 11 2005
Page 2

CHANGE IN SALARY RANGE

Effective: 03-19-05

FROM:

Ranger
F16-32092 Career M 40/12

TO:

Rannger
F17-32092 Career M 40/12

TITLE CONSOLIDATION AND VERBIAGE CHANGE

Effective: 03-19-05

FROM:

Chief Ranger 2
K19-32093 Career M 40/12

TO:

Ranger Sergeant
K21-32094 Career M 40/12

AND

Chief Ranger 1
K21-32094 Career M 40/12

TITLE VERBIAGE AND SALARY RANGE CHANGES

Effective: 03-19-05

FROM:

Chief of Parks, Security Services
MB28-02783 Career M N4/12

TO:

Chief of Parks, Law Enforcement
MB29-02783 Career M N4/12

ELIMINATION OF TITLE

Effective: 03-19-05

Chief Ranger 2
K19-32093 Career M 40/12

CONFIDENTIAL APPOINTMENTS

The Merit System Board recorded the following Confidential Appointments under N.J.S.A. 11A:3-4(h):

Donald M. Scarry, appointed as a Confidential Secretary, Department of Labor, effective January 10, 2005, salary of \$110,000 per annum.

Edna Bachman, appointed as Confidential Secretary, Department of Health and Senior Services, effective December 25, 2004, salary of \$50,000.00 per annum.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Dean Downard
County of Camden
Department of Public Works
Suspension

In the Matter of Ralph D. Ellis
Township of Berkeley
Administrative Services
Suspension

In the Matter of Olufunmi Jinadu
County of Essex
Department of Health and Rehabilitation
Suspension

In the Matter of Harold Johnson
Township of Lawrence
Department of Public Safety
Suspension

In the Matter of Richard Kuhns
South Wood State Prison
Department of Corrections
Removal

In the Matter of Willie C. Sanders
East Jersey State Prison
Department of Corrections
Removal

In the Matter of James Stapleton
Township of Brick
Department of Public Works
Removal

In the Matter of April M. Van Daley
City of Somers Point
Department of Public Safety
Removal

In the Matter of Monica Wellington-Wilson
City of Hackensack
Police Department
Resignation not in good standing

RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN THE ABOVE CASES – SETTLEMENT

ACTION: The Merit System Board acknowledged the settlements.

A2 JUDITH ABEL-BISACQUINO

Judith Abel-Bisacquino, Human Services Specialist I, Cumberland County Board of Social Services, resignation not in good standing effective February 18, 2004, on the charge of being absent from duty for five or more consecutive business days without approval.

Recommendation of the Administrative Law Judge – Reverse the resignation not in good standing.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-3 KEITH BLACK

Keith Black, Human Services Assistant, New Lisbon Developmental Center, Department of Human Services, resignation not in good standing effective January 30, 2004, on the charge of being absent from duty for five or more consecutive business days without approval.

Recommendation of the Administrative Law Judge – Uphold the resignation not in good standing.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-4 CHARLES BORDEN

Charles Borden, Supervising Administrative Analyst, New Jersey State Parole Board, return to formerly held permanent title of Administrative Analyst 1 (Accounting) effective February 21, 2004 at the end of the working test period based on unsatisfactory performance.

Recommendation of the Administrative Law Judge – Uphold the return to formerly held permanent title at the end of the working test period.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-5 ARTELLA RICHARDSON

Artella Richardson, Assistant Supervisor of Recreation, South Woods State Prison, Department of Corrections, removal effective September 11, 2003, on charges of conduct unbecoming a public employee and improper or unauthorized contact with inmates.

Recommendation of the Administrative Law Judge – Modify the removal to a six-month suspension.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to uphold the removal.

A-6 VADIE WRIGHT (REMAND)

Vadie Wright, Occupational Safety Consultant 1, Department of Labor, removal effective March 8, 2002, on charges of conduct unbecoming a public employee and neglect of duty.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-7 DAVID CAMMISO (SETTLEMENT)

David Cammiso, Equipment Operator, County of Mercer, Department of Transportation and Infrastructure, removal effective May 29, 2002, on charges of abandonment of employment, absent without permission for five days or more and conduct unbecoming a public employee. Settled to a ten-day suspension and reimbursement of \$7,500 back pay.

Recommendation of the Administrative Law Judge – Acknowledge the settlement.

ACTION: The Merit System Board acknowledged the settlement as clarified.

SECTION B – MISCELLANEOUS MATTERS

B-1 KIM CONOVER

Kim Conover, a Principal Clerk Transcriber with the Department of Corrections, represented by Tom Bruno, Staff Representative, Communications Workers of America Local 1040, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be granted.

B-2 THOMAS FRODELLA

Thomas Frodella, a former Senior Youth Worker with the Juvenile Justice Commission, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be denied.

B-3 ROCHELLE GHEE

Rochelle Ghee, a Day Care Center Technician in the Office of Education, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be granted in part.

B-4 MARLENE KAMLER

Marlene Kamler, a Teacher 1, 12 Months with the Office of Education, Department of Human Services, represented by Bob Regan, Staff Representative, CWA Local 1037, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be granted.

B-5 SHANDA LA BERTH

Shanda LaBerth, a Human Services Assistant at Woodbridge Developmental Center, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be granted.

B-6 ROBERT LYNCH

Robert Lynch, a Human Services Assistant at Woodbridge Developmental Center, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be granted.

B-7 TARA MITCHELL

Tara Mitchell, a Human Services Assistant at Trenton Psychiatric Hospital, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be denied.

B-8 DAVID PETERSON

David Peterson, a Storekeeper 1 with the Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be denied.

B-9 KAREN SCHMEDES

Karen Schmedes, a Technician, MIS with the Division of Youth and Family Services, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be granted.

B-10 CHRISTINA JORDAN

Christina Jordan, a Senior Field Representative, Local Property Tax, Department of the Treasury, petitions the Merit System Board to extend the time period for the receipt of sick leave injury (SLI) benefits beyond the one year provided for in *N.J.A.C. 4A:6-1.6(b)3i*.

ACTION: The Merit System Board directed that this appeal be denied.

B-11 OKECHUKWA L. ANYANWU

Okechukwa L. Anyanwu appeals the determination of Human Resource Information Services (HRIS) which found that the appointing authority had presented a sufficient basis to remove his name from the eligible list for Customer Service Representative (M0448E), City of Newark.

ACTION: The Merit System Board directed that this appeal be denied.

B-12 RICHARD BAILEY

Richard Bailey appeals the decision of Human Resource Information Services (HRIS) which found that the State Parole Board had presented a sufficient basis to remove the appellant's name from the Parole Officer Recruit (S2035E) eligible list due to an unsatisfactory background report.

ACTION: The Merit System Board directed that this appeal be denied.

B-13 PATRICK CASTELLANO

Patrick Castellano, represented by Brendan Egan, Esq., appeals the removal of his name from a certification for Fire Fighter (M2200D), Asbury Park City, on the basis of his failure to meet the residency requirement.

ACTION: The Merit System Board directed that this appeal be granted.

B-14 LILLIAN FOSTER

Lillian Foster appeals the decision of Human Resource Information Services (HRIS) which upheld the removal of her name from the Personnel Trainee (S6730E), Department of Personnel, eligible list due to an unsatisfactory employment record.

ACTION: The Merit System Board directed that this appeal be denied.

VOTE:	Rolando Torres, Jr.	(Abstained)
	Flavella Branhan	(Yes)
	John Currie	(Yes)
	Margaret E. L. Howard	(Yes)

B-15 GERALD KIMBLE

Gerald Kimble, represented by George Daggett, Esq., appeals the decision of Human Resource Information Services (HRIS) which upheld the removal of his name from the Animal Control Officer (M9842C) and (M9993D), Township of Sparta, eligible lists on the basis that he failed to respond to the certification.

ACTION: The Merit System Board directed that this appeal be granted.

B-16 RAFAEL GOMEZ

Rafael Gomez, a Truck Driver, Single Axle with the Department of Transportation (DOT), appeals the determination of the Deputy Commissioner of the DOT, stating that the appellant had failed to present sufficient evidence to support a finding that he had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination, Harassment, or Hostile Environments in the Workplace.

ACTION: The Merit System Board directed that this appeal be denied.

B-17 MICHAEL GUARINO

Michael Guarino, a Recreation Center Director with the City of Elizabeth, represented by Michael A. Bukosky, Esq., petitions the Merit System Board (Board) for a stay of that portion of certain disciplinary action requiring that the petitioner attend anger management counseling and be transferred to a different job location pending the outcome of his appeal to the Board.

ACTION: The Merit System Board denied the request for a stay.

B-18 DONALD MATLOCK

Donald Matlock, a Laborer with the City of Trenton, represented by Patrick J. Whalen, Esq., appeals his indefinite suspension commencing on November 1, 1996.

ACTION: The Merit System Board directed that this appeal be denied.

B-19 WAYNE VARGA

Wayne Varga, a former Investigator 3, Taxation, with the Department of the Treasury, appeals his resignation in good standing effective April 8, 2004.

ACTION: The Merit System Board directed that this appeal be denied.

B-20 NEIL LAYDEN

The Department of Corrections, on behalf of Neil Layden, petitions the Merit System Board for a retroactive date of appointment to the title of Senior Investigator, Secured Facilities for seniority and record purposes.

ACTION: The Merit System Board denied the request.

B-21 LAURIE PYRCH

Laurie Pynch, a Research Scientist 1 with the Department of Health and Senior Services, appeals the decision of the Division of Human Resource Information Services (HRIS) which determined that her salary was properly calculated under *N.J.A.C.* 4A:3-4.9.

ACTION: The Merit System Board directed that this appeal be denied but referred the classification matter to the Division of Human Resource Management for further review..

B-22 EDRAS SUERO, ET AL

Edras Suero, Juan Gonzalez, and Edgardo Gonzalez, represented by Charles F. Szymanski, Esq., and the City of Newark, represented by Carolyn A. McIntosh, Assistant Corporation Counsel, petition the Merit System Board (Board) for reconsideration of the decisions of the Board in *In the Matter of Edras Suero* (MSB, decided May 8, 2001); *In the Matter of Juan Gonzalez* (MSB, decided on May 8, 2001); and *In the Matter of Edgardo Gonzalez* (MSB, decided on April 24, 2001) and to acknowledge the settlements as clarified.

ACTION: The Merit System Board granted reconsideration and acknowledged the settlements as clarified.

B-23 RAQUEL MORTON

The appeal of Raquel Morton, a Police Officer with the City of Camden, of her removal effective December 17, 2003, on charges, was before Administrative Law Judge Donald J. Stein (ALJ), who rendered his initial decision on January 13, 2005, granting the appellant's motion for Summary Decision dismissing the charges. At its meeting on February 23, 2005, the Merit System Board did not adopt the ALJ's recommendation to dismiss the charges. Rather, the Board remanded the matter to the Office of Administrative Law for a hearing on the merits of the charges brought against the appellant on the May 8, 2003 Preliminary Notice of Disciplinary Action. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-24 DENISE ADAMS, ET AL.

Denise Adams, Ebenezer Akinrolabu, Jay Davis, David Gardiner, Kelly Hofer, and Christopher Rakoczy appeal the determinations of the Division of Selection Services that found that they did not meet the experience or education and experience, requirements for the open competitive examination for Sales Representative 2, State Lottery (S6775F), Department of the Treasury.

ACTION: The Merit System Board directed that these appeals be denied.

B-25 ROBERT AUSTIN

Robert Austin appeals the determination of the Division of Selection Services which found that he did not meet the experience requirement for the open competitive examination for Principal Engineer, Mechanical (S6766F), Department of Transportation.

ACTION: The Merit System Board directed that this appeal be denied.

B-26 RONLAD S. BOHN, ET AL.

Ronald S. Bohn, Lawrence W. Craver, Ernest C. Scott, and Dominic Tedesco appeal the determinations of the Division of Selection Services which found that they did not meet the requirements for the promotional examination for Assistant Engineer In Charge of Maintenance 2 (PS1564I), Department of Corrections.

ACTION: The Merit System Board directed that these appeals be denied.

B-27 ALEXANDER BOROVSIS, ET AL.

Alexander Borovskis, Mahesh Desai, Andreas Parrella, Rajendra Patel, Priscilla Ukpah, and Richard Weber appeal the determinations of the Division of Selection Services which found that they were below the minimum requirements in experience for the promotional examination for Project Engineer, Construction (PS3426T), Department of Transportation.

ACTION: The Merit System Board directed that these appeals be denied.

B-28 JOSEPH BUSCO AND STEVEN STANKOVITS

Joseph Busco and Steven Stankovits appeal the determinations of the Division of Selection Services which found that they did not meet the education and/or experience requirements for the Management Specialist (PC1488E), Middlesex County, promotional examination.

ACTION: The Merit System Board directed that these appeals be denied.

B-29 SUBHRA ROY AND JAMES FABREGAS

Subhra Roy and James Fabregas appeal the determination of the Division of Selection Services which found that they were below the minimum requirements in experience for the open-competitive examination for MIS Coordinator (M4105F), City of Newark.

ACTION: The Merit System Board directed that these appeals be denied.

B-30 BRENDA SHEERIN

Brenda Sheerin appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Personnel Assistant 4, Employee Relations (PS1051K), Trenton Psychiatric Hospital.

ACTION: The Merit System Board directed that this appeal be granted.

B-31 DELORES STEVENSON

Delores Stevenson appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Technical Assistant, Contract Administration (PS1838I), Department of Corrections.

ACTION: The Merit System Board directed that this appeal be granted.

B-32 WILLIAM TYLER

William Tyler appeals the determination of the Division of Selection Services that he did not meet the requirements for the promotional examination for Supervisor of Mails (PS0246F), Department of Education.

ACTION: The Merit System Board directed that this appeal be granted.

B-33 KHANDMAA BATTAGLIA AND SUSAN STOLL

Khandmaa Battaglia and Susan Stoll appeal their scores on the open competitive examination for Auditor Accountant Trainee (S6709E), Department of the Treasury.

ACTION: The Merit System Board directed that these appeals be denied.

B-34 BOBBI BOGES

Bobbi Boges appeals the determination of the Division of Selection Services denying her request for make-up examinations for the promotional examinations for Instructor Counselor (PS2244P), Juvenile Justice Commission (JJC) and Instructor Counselor (PS6951P), JJC.

ACTION: The Merit System Board directed that this appeal be denied.

B-35 BARBARA CAUTHEN

Barbara Cauthen requests a make-up for the promotional examination for Secretarial Assistant 3 (Non-Stenographic) (PS1549H), Division of Addiction Services.

ACTION: The Merit System Board directed that this appeal be denied.

B-36 WAZIR HUSSAIN

Wazir Hussain requests a make-up for the promotional examination for Customer Service Representative 3 (PS1472P), Department of Law and Public Safety.

ACTION: The Merit System Board directed that this appeal be denied.

B-37 GREGORY POST

The Township of West Milford requests relaxation of *N.J.A.C.* 4A:4-7.1A(c) so as to permit the intergovernmental transfer of Gregory Post from the title of Sheriff's Officer, Passaic County Sheriff's Office, to the title of Police Officer, Township of West Milford.

ACTION: The Merit System Board granted the request.

B-38 RECENT COURT DECISIONS

Submitted for the Merit System Board's information are recent court decisions involving Merit System Board and Department of Personnel determinations *In the Matter of Wayne Paterno, Firefighter (M9059S), City of Newark* (Appellate Division decided 1/25/05); *In the Matter of Joseph Kent, Department of Public Works, Town of Morristown* (Appellate Division decided 1/28/05).

ACTION: The Merit System Board noted the decision.

B-39 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes of its meeting of March 9, 2005 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of March 9, 2005.

B-40 LOUIS BAINBRIDGE

The City of Trenton, represented by Stephen E. Trimboli, Esq., appeals the decision of the Assistant Commissioner, State and Local Operations, which found that Louis Bainbridge should have been granted paid leave for his active duty for training without being subjected to a unilateral rescheduling of his work time.

ACTION: The Merit System Board directed that this appeal be denied.

B-41 KENNETH PARKS

The appeal of Kenneth Parks, a Program Assistant, Administrative Services, with the Richard Stockton College of New Jersey, of his removal effective April 1, 2003, on charges, was heard by Administrative Law Judge Donald J. Stein (ALJ), who rendered his initial decision on January 31, 2005. At its meeting on March 9, 2005, the Merit System Board (Board) adopted the ALJ's recommendation that the removal be upheld.

ACTION: The Merit System Board adopted the final decision.

B-42 CATHERINE FORCELLINI

Catherine Forcellini appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirement for the promotional examination for Personnel Assistant 4 (PS4881C), Department of Personnel.

ACTION: The Merit System Board directed that this appeal be granted.

VOTE:	Rolando Torres, Jr.	(Abstained)
	Flavella Branhan	(Yes)
	John Currie	(Yes)
	Margaret E. L. Howard	(Yes)

B-43 DEPUTY COUNTY ADMINISTRATOR, PASSAIC COUNTY

Passaic County petitions the Merit System Board for authorization to create the unclassified title of Deputy County Administrator.

ACTION: The Merit System Board granted the request.

VOTE:	Rolando Torres, Jr.	(Yes)
	Flavella Branhan	(Yes)
	John Currie	(Abstained)
	Margaret E. L. Howard	(Yes)

B-44 DEPUTY FIRE CHIEF (PM3654F), BOROUGH OF ROSELLE

The Borough of Roselle, represented by Mark S. Ruderman, Esq., appeals the decision of the Division of Selection Services to announce a promotional examination for Deputy Fire Chief (PM3654F).

ACTION: The Merit System Board directed that this appeal be denied.

B-45 FATEEMA NELSON

Fateema Nelson requests that she be permitted to participate in the Public Health Representative Trainee (S0361F), Department of Health and Services open competitive examination.

ACTION: The Merit System Board granted the request.

B-46 EARLY SETTLEMENTS

In the Matter of Shaheda Moore
Division of Family Development
Department of Human Services
Release at the end of working test period

In the Matter of Valerie L. Tillery
Division of Medical Assistance and Health Services
Department of Human Services
Return to formerly held permanent title at the end of working test period

ACTION: The Merit System Board acknowledged the settlements.

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, April 6, 2005 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

**ROLANDO TORRES, JR.
COMMISSIONER
MERIT SYSTEM BOARD**